IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1321 of 2007()

CRIME NO. 137/06 OF HILL PALACE POLICE STATION, THRIPPUNITHURA

PETITIONER/ACCUSED NO.2:

MOHAMMED SALI, S/O. ABDULLA MOULAVI,
AGED 19 YEARS, SALAM MANZIL,VADUTHALA JETTY BHAGOM AROOKUTTY, CHERTHALA.

BY ADV. SRI.M.V.MATHAI MUTHIRENTHY
SRI.ICANS C.CHAMAKKALA

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE,
HILL PALACE POLICE STATION, TRIPUNITHURA THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY DIRECTOR GENERAL OF PROSECUTIONS SRI. P.G. THAMPI

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON 14-03-2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 1321 of 2007

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Dated, this the 14th day of March 2007

ORDER

The petitioner who is 2nd accused in Crime No. 137 of 2006 of Hill Palace Police Station for offences punishable under Sections 143, 147, 148, 449, 324, 326, 307, 302, 427 and 201 read with Sec. 149 I.P.C., Sections 3 and 4 of the Explosive Substances Act, 1908 and Section 27 of the Arms Act, 1959 seeks his enlargement on bail. The occurrence took place on 6-3-2006. The petitioner was arrested on 29-3-2006.

2. Adv. Sri. P.G. Thambi, the learned Director General of Prosecutions opposed the application submitting inter alia that the petitioner is an accused in Crime No. 55/06 of Mulanthuruthy Police Station for offences punishable under Sections 326 and 324 I.P.C., Crime No. 23 of 20006 of Poochattil Police Station for offences punishable under Sections 420, 468 and 471 I.P.C., Crime No. 49 of Edakkad Police Station for an offence punishable under Sec. 225 B I.P.C. and Crime No. 77/06 of Hill Palace Police Station concerning proceedings under Sec. 100 (g) Cr.P.C.

3. On 6-3-2006, the first accused Jaison accompanied by

accused Nos. 2 to 9 reached Udayamperoor in a Qualis Car bearing fake registration No. KL-/AY 8491. They barged into the Kalalaya Video Shop armed with deadly weapons like sword, kaitool, country-made bombs etc. and assaulted the shop owner Ajeesh, S/o. Rajappan and inflicted grievous injuries on him. When one Kapil who was in the shop went to the rescue of Ajeesh, he was fatally assaulted and murdered. Thereafter the 9 accused persons exploded country bombs there in order to terrorise the area. Ajeesh was a close associate of Vidhyadharan who had been organizing mass movement against the illegal activities of first accused Jaison. The said Vidhyadharan was murdered in the year 2003 and the first accused herein is the first accused in that case registered as Crime No. 330/03 of Hill Palace Police Station. Vidhyadharan was murdered at a time when the first accused was on bail in another case. Subsequent to the murder of Vidhyadharan, the first accused had openly declared that he would do away with Rajappan and his son Ajeesh. The facts of the case will reveal the dastardly and brutal manner in which the offences were committed. In fact, some of the accused persons who had been granted bail have absconded and fled from justice. The case diary which was perused by me shows that some of the

prosecution witnesses including the injured are being constantly threatened by the formidable members of the gang of the first accused who himself is absconding after being enlarged on bail. Considering the facts of the case and the and the antecedents of the petitioner, I am not inclined to grant bail to the petitioner.

This application is accordingly, dismissed.

V. RAMKUMAR,
(JUDGE)

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